IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 9 of 2004(A)

PETITIONER:

SUDHAKARAN PILLAI, LIFE GUARD,
KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJASEKHARAN NAYAR
SMT.NITHYA.K.

RESPONDENTS:
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1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
WATER RESOURCES (W.S.B.)DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 1.

2. KERALA WATER AUTHORITY, JALA BHAVAN,
THIRUVANANTHAPURAM 695 033.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC,KWA
GOVERNMENT PLEADER SRI.MANOJ KUMAR
SRI.C.UNNIKRISHNAN, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C NO.9/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1(a):- COPY OF THE CERTIFICATE ISSUED BY LIFE SAVING ASSOCIATION OF SRILANKA AND CERTIFICATE ISSUED BY THE SPORTS AUTHORITY OF INDIA NETAJI SUBHAS NATIONAL INSTITUTE OF SPORTS, PATIALA.

EXT.P2:- COPY OF THE ORDER NO.KWA/HO/GL1/8119/92 DT.20.6.92 OF MANAGING DIRECTOR.

EXT.P3:- COPY OF THE JUDGMENT IN OP. NO.20/1996 DT.17.2.98 OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.

EXT.P4:- COPY OF THE AGENDA NOTE OF THE BOARD, WHICH FORMED THE BASIS OF THE REPORT OF THE 2ND RESPONDENT TO THE 1ST RESPONDENT NO.KWA/JB/E-3/662/97/VOL.II.

EXT.P5:- COPY OF THE G.O.(Rt) NO.1051/2002/WRD DT.18.11.02.

EXT.P6:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DT.15.10.02.

EXT.P7:- COPY OF THE REPRESENTATION ISSUED BY THE PETITIONER TO THE MANAGING DIRECTOR DT.13.12.02.

EXT.P8:- COPY OF THE LETTER NO.13087/83/03/WRD ISSUED BY THE GOVERNMENT DT.16.6.03.

EXT.P9:- COPY OF THE LETTER NO.KWA/JB/E-3-662/97 VOL.II DT.2.7.03 ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.

EXT.A1:- COPY OF THE ORDER IN CMP. 14030/82 BEFORE THE HON'BLE HIGH COURT DT.9.7.82.

EXT.A2:- COPY OF THE LETTER OF 2ND RESPONDENT TO THE 1ST RESPONDENT LETTER NO.KWA/JB/E-3-9487/03 DT.18.3.04.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C) No.9 of 2004

Dated 28th February, 2007.

J U D G M E N T

Petitioner approached this Court with two grievances; (1) regularisation in service with effect from 1.4.1989 and appointment by promotion to the post of Life Guard-cum-Coach with effect from 31.12.2002. Learned counsel for the Kerala Water Authority submits that they have recommended the case of the petitioner to the Government. Learned counsel for the petitioner submits that despite the availability of vacancy with effect from 31.12.2002 and despite the fact that the petitioner is the eligible person to be appointed, no steps have been taken. Learned counsel for the Water Authority submits that for want of special rules, it is for the Government to take action, since the Water Authority has already submitted before the Government that the post is to be included in the special rules, as early as in 1995. There will be a direction to the first respondent to consider the case of the petitioner on both the grievances, regularization and appointment, and take appropriate action, in the light of the recommendation from the Water Authority, within three months

from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.